September 20, 1977, the following corrections should be made:

1. On page 47196, in § 1.410(a)-5, in the 3rd column, the last paragraph, 1st sentence should read:

"(d) *Special continuity rule for certain plans.*"

2. On page 47197, at the top of the 1st column, the section heading should read:

"§ 1.1410(a)-6 **Amendment of break in service rules; transitional period.**"

[4510-26]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

MICHIGAN

Approval of Supplements to State Plans

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Final rule.

SUMMARY: This notice approves three supplements to the Michigan occupational safety and health plan. The supplements are: a public employee program which has been in effect since July 1, 1975; a revision to the staffing pattern contained in the plan and notification that the Michigan Departments of Labor and Public Health are in substantial conformity with the revised staffing pattern; and, a comprehensive management information system which is capable of meeting the reporting requirements of the State's plan.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John Domenic Smith, Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210, telephone 202-523-8031.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Part 1953, of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On October 3, 1973, a notice was published in the FEDERAL REGISTER (39 FR 27388) of the approval of the Michigan plan and of the adoption of Subpart T of Part 1952 containing the decision. On February 25, 1977, notice of submission of a number of Michigan plan supplements involving developmental changes was published in the FEDERAL REGISTER (42 FR 11024). These supplements are described below.

DESCRIPTION OF SUPPLEMENTS

Public Employee Program. The State has submitted notification that, as of July 1, 1975, all requirements and provisions of the Occupational Safety and Health Act, the State safety and health standards, and Federal occupational safety and health standards adopted by reference are applicable in a uniform manner to both public and private employers and employees in the State, except that the State, in order to effect compliance by a public employer, has the option to seek a writ of mandamus in lieu of proposing civil penalties.

Staffing. The State has submitted revisions to the staffing pattern contained in the State's plan and has indicated that the Michigan Departments of Labor and Public Health are in substantial conformity with the revised staffing pattern.

Management Information System. The State has indicated that the Michigan Department of Labor and Public Health have established a comprehensive management information system which is capable of meeting the reporting requirements of the State plan.

LOCATION OF THE PLAN AND ITS SUPPLEMENTS FOR INSPECTION

A copy of the State's plan and the supplements may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3263, 230 South Dearborn Street, Chicago, Illinois 60604; Michigan Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

PUBLIC PARTICIPATION

The February 25, 1977 notice published in the FEDERAL REGISTER described the supplements allowed 30 days for interested persons to submit written data, views, and arguments concerning whether the supplements should be approved. No public comments concerning these supplements have been received.

DECISION

After careful consideration, the Michigan plan supplements described above are hereby approved under Subpart B of Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart T of 29 CFR Part 1952 is hereby amended to reflect these approved plan changes. Accordingly § 1952.264 of Subpart T is hereby amended to reflect the completion of developmental steps as follows:

§ 1952.264 **Completed developmental steps.**

* * * * *

(d) In accordance with § 1952.263(g) Michigan's public employee program was implemented with an effective date of July 1, 1975, and approved by the Assistant Secretary on October 17, 1977.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667).)

Signed at Washington, D.C., this 17th day of October 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-31344 Filed 10-31-77;8:45 am]

[4810-40]

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 341—REGULATIONS GOVERNING UNITED STATES RETIREMENT PLAN BONDS

Correction

AGENCY: Department of the Treasury.

ACTION: Correction.

SUMMARY: On April 28, 1977, an amendment was published in the FEDERAL REGISTER making certain address changes in the regulations governing United States Retirement Plan Bonds. The purpose of this notice is to correct a reference to one of the sections being amended.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

A. E. Martin, Attorney-Adviser, Bureau of the Public Debt, 202-376-0636.

In FR Doc. 77-12184 appearing at page 21611 in the FEDERAL REGISTER of April 28, 1977, the reference to paragraph (b) of section 341.11 should be to paragraph (b) of § 341.10.

Dated: October 28, 1977.

CALVIN NINOMIYA,
Chief Counsel,
Bureau of the Public Debt.

[FR Doc.77-31737 Filed 10-31-77;8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

[DoD Instruction 6015.18]

PART 203—SMOKING IN DOD OCCUPIED BUILDINGS AND FACILITIES

AGENCY: Office of the Secretary of Defense.

ACTION: Issuance of DoD Instruction 6015.18.[1]

[1] Filed as part of the original. Single copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention: Code 301.

SUMMARY: This regulatory instruction establishes Department of Defense (DoD) policy for the control of smoking in DoD-occupied buildings and facilities, and outlines procedures to be followed in complying with these requirements.

EFFECTIVE DATE: August 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. George M. Siebert, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Washington, D.C. 20301, telephone 202-697-5947.

Accordingly, Part 203 reads as follows:

Sec.
203.1 Purpose.
203.2 Applicability and Scope.
203.3 Background.
203.4 Policy.

AUTHORITY: 5 U.S.C. 301.

§ 203.1 Purpose.

This Instruction establishes Department of Defense (DoD) procedures for control of smoking in DoD occupied buildings and facilities.

§ 203.2 Applicability and Scope.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Army-Air Force Exchange Service. This Part applies in all DoD occupied facilities. It does not cancel or supersede other instructions where smoking is controlled because of fire, explosive, or other safety considerations.

§ 203.3 Background.

The Surgeon General of the United States has determined that the smoking of tobacco can constitute a hazard to health. DoD recognizes the right of individuals working or visiting in DoD occupied buildings to an environment reasonably free of contaminants. DoD also recognizes the right of individuals to smoke in such buildings, provided such action does not endanger life or property, cause discomfort or unreasonable annoyance to nonsmokers, or infringe upon their rights.

§ 203.4 Policy.

(a) The smoking of tobacco products within DoD occupied space shall be controlled in accordance with the following guidelines:

(1) *Auditoriums.* Smoking shall not be permitted in auditoriums. Prompt action shall be taken to post appropriate no-smoking signs in these areas. Ash trays should be removed from these areas and receptacles may also be placed just inside the auditorium so that visitors may dispose of cigarettes, etc., when they become aware of the smoking restriction.

(2) *Eating Facilities.* No-smoking areas will be established in eating facilities in DoD occupied buildings wherever practicable. Where appropriate this may be accomplished by agreement between the responsible DoD official and a concessionaire, and then included as a provision in future amendments and new contracts. A no-smoking area should be designated and posted based on an estimate of smoking and nonsmoking patrons served.

(3) *Elevators.* Elevators shall be designated as no-smoking areas.

(4) *Shuttle vehicles.* Smoking shall be prohibited in shuttle vehicles.

(5) *Medical care facilities.* In medical care facilities, smoking shall be restricted to staff lounges, private offices, and specially designated areas. Smoking is permitted in visitor waiting areas only where space and ventilation capacities permit division into smoking and nonsmoking sections.

(6) *Conference and classrooms.* Smoking in conference rooms and classrooms shall be prohibited.

(7) *Work areas.* In establishing and continuing a smoking policy in work areas under their jurisdiction, officials must strive to maintain an equitable balance between the rights of nonsmokers and smokers. Smoking shall be permitted in private offices. In common work spaces shared by smokers and nonsmokers, smoking shall be permitted only if ventilation is adequate to remove smoke from a work area and provide an environment that is healthful. Work space may be planned to accommodate the preferences of each group, provided that (a) efficiency of work units will not be impaired; and (b) additional space or costly alterations will not be required. As a general rule, a minimum ventilation rate of 10 cubic feet of fresh air per minute per person is recommended to remove smoke from a work area and provide a healthful environment.

(8) *Corridors, lobbies, and restrooms.* Except in medical care facilities, there should be no limitation on smoking in corridors, lobbies, and restrooms as persons are not in these areas for long periods of time.

(b) Emphasis should be placed on educational programs to discourage smoking. These programs should focus on high risk personnel such as those with chronic bronchitis, emphysema, asthma, and coronary heart disease and upon special occupational groups such as asbestos workers. Programs should include lectures, films, pamphlets, and posters, and should be updated frequently to utilize the latest available medical research information on smoking and health.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services.

[FR Doc.77-31550 Filed 10-31-77;8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 808-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

Florida: Approval of Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule specifies limitations on the conditions under which burning may be used to protect citrus and other crops from cold or frost and the types of fuels which may be burned. As a revision to the State Implementation Plan to attain and maintain the National Ambient Air Quality Standards, it was adopted by the Florida Environmental Regulation Commission to provide relief during emergency situations in subfreezing weather.

EFFECTIVE DATE: November 1, 1977.

ADDRESSES: Copies of the information submitted by Florida may be examined by the public during normal business hours at the following locations:

Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Florida Department of Environmental Regulation, 2562 Executive Center Circle East, Montgomery Building, Tallahassee, Fla. 32301.

FOR FURTHER INFORMATION CONTACT:

D. Brian Mitchell, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 345 Courtland Street SW., Atlanta, Ga. 30308, 404-881-3286.

SUPPLEMENTARY INFORMATION: On March 4, 1976 (40 FR 4376), the Administrator announced a proposed revision to the Florida implementation plan. This consisted of changes to the regulations dealing with specific limitations and conditions under which burning may be used to protect agricultural operations from cold or frost and the types and quantities of fuels that may be burned, Section 17-5.06. The revision was duly adopted by the Board of the Florida Department of Environmental Regulation on November 19, 1975, consistent with requirements of 40 CFR 51.4, and was submitted for the Agency's approval on January 14, 1976. Copies of the revision were made available for public inspection at the Agency's Region IV Headquarters in Atlanta, Ga., and at the of-

fices of the Florida Department of Environmental Regulation throughout the State. Written comments were solicited from the public, but none were received.

The existing provisions of Section 17-5.06 are left largely unaltered except that the prohibition on the burning of clean dry wood is removed. Restrictions and conditions on open burning and outdoor heating devices are added as follows:

Burning for the protection of agricultural crops (including citrus nurseries) other than citrus groves may not begin until the ambient temperature falls to 32° F or below.

Burning for the protection of citrus fruit to be marketed as fresh fruit may not begin until the ambient temperature drops to 29° F or below and can reasonably be expected to remain at or below 28° F for four hours or more. Clean dry wood may be used in this case for open fires as a substitute for approved fuels. Prior to undertaking such burning, the owner or operator must notify the Department of Environmental Regulation.

To prevent unnecessary air pollution and to conserve fuel, the quantity of fuel oil burned is not to exceed certain limits: 35 gallons per acre per hour at 25° F to 28° F; 50 gallons per acre per hour below 25° F; and 75 gallons per acre per hour below 20° F.

Generally, the use of open burning or outdoor heating devices is to be curtailed as permitted by the availability of nonpolluting protection methods such as spray irrigation or wind machines.

Special provision is made in the revised regulations for the burning of normally unapproved fuels when an unusually large amount of cold weather causes shortages of approved fuels. The unapproved fuels that may be used under emergency conditions shall not include Bunker C residual oil, tires, rubber materials, asphalt, tar, railroad cross ties, other creosoted materials, or plastics.

A revised control strategy and other ancillary materials were submitted in support of the proposed revision. The Administrator has determined that implementation of Florida's revised regulations will not interfere with the attainment and maintenance of the national ambient air quality standards.

Accordingly, 40 CFR Part 52 is amended as follows:

Subpart K—Florida

In § 52.520, subparagraph (17) is amended by adding paragraph (c) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(17) Revised burning rule for cold or frost protection, submitted on January 14, 1976, by the Florida Department of Environmental Regulation.

(Sec. 1110(a), Clean Air Act is amended (42 U.S.C. 1857c-5(a)).)

Dated: October 25, 1977.

DOUGLAS COSTLE,
Administrator.

[FR Doc.77-31604 Filed 10-31-77;8:45 am]

[6560-01]

[FRL 793-4]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Amendments to General Provisions and Copper Smelter Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule clarifies that excess emissions during periods of startup, shutdown, and malfunction are not considered a violation of a standard. This rule also clarifies that excess emissions for no more than 1.5 percent of the time during a quarter will not be considered indicative of a potential violation of the new source performance standard for primary copper smelters provided the affected facility and the air pollution control equipment are maintained and operated consistent with good air pollution control practice.

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

BACKGROUND

EPA promulgated standards of performance for primary copper, zinc and lead smelters on January 15, 1976. On March 5, 1976, Kennecott Copper Corporation filed a petition with the United States Court of Appeals for the District of Columbia Circuit requesting that EPA reconsider the standards for copper smelters. EPA proposed to make two clarifying amendments to the standards, and Kennecott agreed to withdraw its court challenge providing these amendments were made. The amendments being made are in response to the following two issues raised in the Kennecott court appeal:

(1) The standards of performance fail to provide for excessive emissions during periods of startup, shutdown, and malfunction.

(2) The standards of performance prescribe averaging times too short to accommodate the normal fluctuations in sulfur dioxide emissions inherent in smelting operations.

EXCESS EMISSIONS DURING STARTUP, SHUTDOWN AND MALFUNCTION

For all sources covered under 40 CFR Part 60, compliance with numerical emission limits must be determined through performance tests. 40 CFR 60.8(c) exempts periods of startup, shutdown, and malfunction from performance tests. By implication this means compliance with numerical emission limits cannot be determined during periods of startup, shutdown, and malfunction. EPA and Kennecott have agreed that for clarification purposes this should be specifically stated in the regulation. Therefore, an amendment to this effect is being made in 40 CFR 60.8(c).

This exemption from compliance with numerical emission limits during startup, shutdown and malfunction, however, does not exempt the owner or operator from compliance with the requirements of 40 CFR 60.11(d) which says: "At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions."

AVERAGING TIMES

Kennecott alleged that a six-hour averaging time is not long enough to average out periods of excessive emissions of sulfur dioxide which normally occur at smelters equipped with best control technology. According to Kennecott, the six-hour averaging period simply does not mask emission variations caused by normal fluctuations in gas strengths and volumes.

A performance test to determine compliance with the numerical emission limit included in the standard of performance consists of the arithmetic average of three consecutive six-hour emission tests. EPA's analysis of the emission data presented in the background document ("Background Information for New Source Performance Standards: Primary Copper, Zinc, and Lead Smelters," October 1974) supporting the standards of performance for copper smelters indicates that the possibility of a performance test exceeding the standard of performance under normal conditions is extremely low, less than 0.15 percent. This same analysis, however, indicates that the possibility of emissions averaged over a single six-hour period exceeding the numerical emission limit included in the standard of performance during normal operation is about 1.5 percent. To reconcile this situation with the excess emission reporting requirements, which currently require all six-hour periods in excess of the level of the sulfur dioxide standard to be reported as excess emissions, 40 CFR 60.165 is being amended to provide that if emissions exceed the level of the standard for no more than 1.5 percent of the six-hour averaging periods during a quarter, they will not be considered indicative of potential violation of 40 CFR 60.11(d); i.e., indicative of improper maintenance or operation. This exemption applies, however, only if the owner or operator maintains and operates the affected facility and air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions during these periods. This ensures that the control equipment will be operated and emissions will be minimized during this time. Excess emissions during periods of startup, shutdown, and malfunction are not considered part of the 1.5 percent.

MISCELLANEOUS

The Administrator finds that good cause exists for omitting prior notice and public comment on these amendments and for making them immediately effective because they simply clarify the existing regulations and impose no additional substantive requirements.

NOTE.—The EPA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular A–107.

Dated: October 25, 1977.

DOUGLAS M. COSTLE,
Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.8, paragraph (c) is amended to read as follows:

§ 60.8 Performance tests.

* * * * *

(c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

* * * * *

2. In § 60.165, paragraph (d)(2) is amended to read as follows:

§ 60.165 Monitoring of operations.

* * * * *

(d) * * *

(2) Sulfur dioxide. All six-hour periods during which the average emissions of sulfur dioxide, as measured by the continuous monitoring system installed under § 60.163, exceed the level of the standard. The Administrator will not consider emissions in excess of the level of the standard for less than or equal to 1.5 percent of the six-hour periods during the quarter as indicative of a potential violation of § 60.11(d) provided the affected facility, including air pollution control equipment, is maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions during these periods. Emissions in excess of the level of the standard during periods of startup, shutdown, and malfunction are not to be included within the 1.5 percent.

(Secs. 111, 114, and 301(a) of the Clean Air Act as amended (42 U.S.C. 1857c–6, 1857c–9, 1857g(a)).)

[FR Doc.77–31506 Filed 10–31–77;8:45 am]

[1505–01]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–96]

PART 153—SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

Correction

In FR Doc. 77–27790, appearing at page 49016, in the issue for Monday, September 26, 1977, on page 49038, third column, the first line of § 153.372, reading "por pressure exceeds 100 kPa absolute at" should read "A containment system that carries at".

[3510–03]

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMERCE

PART 381—CARGO PREFERENCE—U.S.-FLAG VESSELS

Shipments Related to Federal Grants, Guaranties, Loans, and Advance of Funds Programs

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final regulations.

SUMMARY: These regulations clarify the scope of provisions in the Cargo Preference Act of 1954, 68 Stat. 832 (46 U.S.C. 1241(b)), commonly known as Pub. L. 664. This Act requires Government agencies to take all necessary and practicable steps to assure the carriage on United States-flag ocean vessels of at least 50 percent of all cargo which these agencies direct or generate through various Federal programs, including grant, guaranty, loan and advance of funds programs which are not subject to the Federal Procurement Regulations (FPR). Responsibility for administering Pub. L. 664 was given to the Secretary of Commerce under authority in the Merchant Marine Act of 1970, Pub. L. 91–469 (46 U.S.C. 1241(b)(2)).

EFFECTIVE DATE: November 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Ryan, Jr., or S. Thomas Romeo, Maritime Administration, Office of Market Development, Washington, D.C. 20230, 202–377–3446.

SUPPLEMENTARY INFORMATION: These regulations are intended to state clearly that the United States vessel carriage requirements of Pub. L. 664 apply to the shipment of all ocean cargo which is directed or generated by United States Government agencies through Federal grant, guaranty, loan, and advance of funds programs. Specifically, these regulations provide guidelines as to acceptable suggested language, stating cargo preference requirements, to be incorporated in grant, guaranty, loan and advance of funds agreements between agencies and the recipients of such assistance, as well as in contracts and subcontracts resulting from such agreements.

Subsequent to the issuance of Part 381, the Maritime Administration began its liaison work with government agencies to secure their compliance with these rules. However, in its dealings with agencies which were administering grants, guaranties, loans and advance of funds programs, many of them commented that the regulations were not responsive to the peculiarities of their programs. As a result of these and other related comments from agencies on Part 381, these regulations were formulated to reflect the intent of Pub. L. 664. Accordingly, Part 381 of Title 46 of the Code of Federal Regulations is amended as follows:

1. A new paragraph (4) is added at the end of § 381.2(b) to read as follows:

§ 381.2 Definitions.

* * * * *

(b) * * *

(4) Procured, contracted for, or otherwise obtained within or outside of the United States with advance of funds, loans or guaranties made by or on behalf of the United States.

2. A new § 381.7 is added to read as follows:

§ 381.7 Federal Grant, Guaranty, Loan and Advance of Funds Agreements.

In order to insure a fair and reasonable participation by privately owned United States-flag commercial vessels in transporting cargoes which are subject to the Cargo Preference Act of 1954 and which are generated by U.S. Government Grant, Guaranty, Loan and/or Advance of Funds Programs, the head of each affected department or agency shall require appropriate clauses to be inserted in those Grant, Guaranty, Loan and/or Advance of Funds Agreements and all third party contracts executed between the borrower/grantee and other parties, where the possibility exists for ocean transportation of items procured, contracted for or otherwise obtained by or on behalf of the grantee, borrower, or any of their contractors or subcontractors. The clauses required by this Part shall provide that at least 50 percent of the freight revenue and tonnage of cargo generated by the U.S. Government Grant, Guaranty, Loan or Advance of Funds be transported on privately owned United States-flag commercial vessels. These clauses shall also require that all parties provide to the Maritime Administration the necessary shipment information as set forth in § 381.3. A copy of the appropriate clauses required by this Part shall be submitted by each affected agency or department to the Secretary, Maritime Administration, for approval no later than 30 days after the effective date of this Part. The following are suggested acceptable clauses with respect to the use of United States-flag vessels to be incorporated in the Grant,

Guaranty, Loan and/or Advance of Funds Agreements as well as contracts and subcontracts resulting therefrom:

(a) *Agreement Clauses.* "Use of United States-flag vessels:

"(1) Pursuant to Pub. L. 664 (46 U.S.C. 1241(b)) at least 50 percent of any equipment, materials or commodities procured, contracted for or otherwise obtained with funds granted, guaranteed, loaned, or advanced by the U.S. Government under this agreement, and which may be transported by ocean vessel, shall be transported on privately owned United States-flag commercial vessels, if available.

"(2) Within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (1) above shall be furnished to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, D.C. 20230."

(b) *Contractor and Subcontractor Clauses.* "Use of United States-flag vessels: The contractor agrees—

"(1) To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

"(2) To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (1) above to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, D.C. 20230.

"(3) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract."

AUTHORITY: Secs. 204(b), 212(d), and 901 (b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b), 1122(d), and 1241(b)). Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036) and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

Dated: October 25, 1977.

By Order of the Assistant Secretary for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.77-31658 Filed 10-31-77;8:45 am]

[1505-01]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

Editorial Amendments Adopting Metric System of Measurements

Correction

In FR Doc. 77-29702 appearing on page 54823 in the issue for Tuesday, October 11, 1977 in the 3rd column, the last full paragraph should read:

§ 17.7 [Amended]

2. In § 17.7(a) change "200 feet" to "60.96 meters (200 feet)."

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 230 (Sub-No. 4)]

PART 1090—PRACTICES OF FOR-HIRE CARRIERS OF PROPERTY PARTICIPATING IN TRAILER-ON-FLATCAR SERVICE

Investigation To Consider Further Modification of Piggyback Service Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This decision eliminates the circuitry limitation requirements for carriers participating in joint intermodal TOFC service which is to be provided in lieu of their authorized line-haul transportation.

EFFECTIVE DATE: December 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTARY INFORMATION: By notice and order entered October 12, 1976, the Interstate Commerce Commission instituted a rulemaking proceeding to determine whether there continues to be a need for any circuitry limitations on trailer-on-flatcar (TOFC) service and, if so, what the limitations should be in light of current economic conditions. Previously the Commission had changed the circuitry limitation as it related to motor carriers so as to increase permissible circuitry reduction from 15 to 20 percent. In this proceeding the Commission has decided that (1) because the substituted service does not compete in significant direct ways with all-motor service, and (2) since there was no showing that there would be substantial adverse effects on existing motor or water carrier operations, the circuitry provisions at 49 CFR 1090.5 should be abolished and this part of the Code of Federal Regulations should be deleted.

The Commission adopted the environmental findings and environmental impact statement which accompanied the report and order in Operational Circuitry Reduction, TOFC Serv. Rules, 353 I.C.C. 1 (1976), since the decision herein was merely an extension of the former decision.

The above rule change was made under the authority of sections 12(1), 204 (a) (b), and 316(a) of the Interstate Commerce Act (49 U.S.C. 12(1), 304(a)(6), 553, and 559).

Issued at Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

Accordingly, Part 1090 of Chapter X of Title 49 of the Code of Federal Regulations is deleted.

The following sections are renumbered as follows:

§ 1090.6 [Renumbered § 1090.5]

Section 1090.6 is renumbered 1090.5—Responsibility for placing and securing trailers.

§ 1090.7 [Renumbered § 1090.6]

Section 1090.7 is renumbered 1090.6—Tariff publication regulations.

§ 1090.8 [Renumbered 1090.7]

Section 1090.8 is renumbered 1090.7—Billing and notification rules.

[FR Doc.77-31610 Filed 10-31-77;8:45 am]

[4710-01]

Title 45—Public Welfare

CHAPTER XIX—NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

PART 1901—GENERAL

PART 1905—NATIONAL WOMEN'S CONFERENCE, RULES OF ORDER

AGENCY: National Commission on the Observance of International Women's Year.

ACTION: Final rules.

SUMMARY: The National Commission on the Observance of International Women's Year adopts the rules of order for the conduct of the National Women's Conference and amends certain defini-